

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

Case No.: 8:10-bk-27716-CED

Chapter: 7

Betsy Silva,

Debtor.

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DONALD F. WALTON,
United States Trustee

Adv. No.: 8:11-ap-00044-CED

Plaintiff,

v.

Michelle Williams,

Defendant.

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FINAL JUDGMENT BY DEFAULT

THIS CASE came on for consideration upon the granting of the United States Trustee's Motion for Entry of Final Judgment by Default in the above-referenced matter. The Court, having considered the record, finds that:

1. On January 14, 2011, the United States Trustee filed his Complaint for Injunctive Relief, Fines, and Other Relief under 11 U.S.C. § 110(b)(1), (b)(2)(A), (c), (d), (g), (h)(2), (h)(3), (l)(2), and (j)(2)(A).
2. The Defendant failed to timely answer the complaint.
3. The United States Trustee moved for entry of Default which was contemporaneously entered on March 28, 2011.

4. The United States Trustee properly submitted declarations, made in accordance with 28 U.S.C. § 1746, having the evidentiary effect of affidavits establishing the factual record necessary to support the requested relief.
5. The Court finds and concludes that the Defendant, Michelle Williams, has violated Section 110 as follows:
 - a. The Defendant failed to sign or print her name and address on the petition, schedules, or statements in violation of 11 U.S.C. § 110(b)(1);
 - b. The Defendant failed to provide the Debtor with notice as set forth on official Form 19 and to sign and file the same in violation of 11 U.S.C. § 110(b)(2)(A);
 - c. The Defendant failed to provide her Social Security number on any of the documents prepared for filing in violation of 11 U.S.C. § 110(c);
 - d. The Defendant did not provide the Debtor with a copy of the prepared bankruptcy papers in violation of 11 U.S.C. § 110(d);
 - e. The Defendant collected from the Debtor court fees in connection with filing the petition in violation of 11 U.S.C. § 110(g);
 - f. The Defendant did not file a declaration disclosing any and all fees received from or on behalf of the Debtor within twelve months immediately prior to the filing of the case in violation of 11 U.S.C. § 110(h)(2);
 - g. By conducting the above described actions, the Defendant engaged in conduct in violation of Section 110 and engaged in other fraudulent, unfair, or deceptive conduct in violation of 11 U.S.C. § 110(j)(2)(A).

Accordingly, upon the foregoing and for good cause found, it is **ORDERED**:

1. The Motion for Entry of Final Judgment by Default filed by the United States Trustee be and is hereby GRANTED.
2. This Final Default Judgment, Permanent Injunction, and Monetary Awards be and are hereby entered in favor of the Plaintiff, the United States Trustee for Region 21, and against the Defendant, Michelle Williams, her agents, employees, shareholders, principals, officers, directors, servants, attorneys, corporations, subsidiaries, affiliates, associates, assigns, successors, all persons or entities in active concert and participation with the Defendant, all other entities or persons directly or indirectly under the Defendant's control, (collectively "Michelle Williams" hereinafter).
3. That Michelle Williams be and is hereby ordered to pay unto the United States Trustee as monetary fines, fees, and costs under Section 110, a total amount of \$9,000 (Nine Thousand and 00/100 U.S. Dollars). This monetary award shall be paid by certified check or money order, payable to the order of the United States Trustee, and delivered to 501 E. Polk Street, Suite 1200, Tampa, Florida 33602.
4. The Monetary Sanctions in the total amount of \$9,000 as ordered supra pursuant to Section 110(l)(1) are delineated as follows:
 - a. Sanctions for failure to comply with provisions of 11 U.S.C. § 110(b)(1) totaling \$500;
 - b. Sanctions for failure to comply with provisions of 11 U.S.C. § 110(b)(2)(A) totaling \$500;
 - c. Sanctions for failure to comply with provisions of 11 U.S.C. § 110(c) totaling

\$500;

- d. Sanctions for failure to comply with provisions of 11 U.S.C. § 110(d) totaling \$500;
- e. Sanctions for failure to comply with provisions of 11 U.S.C. § 110(g) totaling \$500;
- f. Sanctions for failure to comply with provisions of 11 U.S.C. § 110(h)(2) totaling \$500;
- g. Pursuant to Section 110(l)(2), the above monetary sanctions under Section 110(l)(1) shall be tripled, totaling \$9,000.

- 5. Michelle Williams be and is hereby ordered to pay unto the Debtor, Betsy Silva, all fees charged by the Defendant, totaling \$649.00 (Six Hundred Forty Nine and 00/100 U.S. Dollars) pursuant to Section 110(h)(3)(B). This monetary award shall be paid by separate certified check or money order, payable to the order of Betsy Silva, and delivered to the United States Trustee, 501 E. Polk Street, Suite 1200, Tampa, Florida 33602 for delivery by the U.S. Trustee unto the *pro se* Debtor.
- 6. That the monetary judgments and payments are to be turned over to the respective recipients no later than thirty (30) days from the entry date of this order.
- 7. The Court further finds and concludes pursuant to 11 U.S.C. § 110(j)(2)(A) that Michelle Williams, be and is hereby PERMANENTLY ENJOINED AND RESTRAINED from:
 - a. Acting as a Bankruptcy Petition Preparer in the Middle District of Florida;
 - b. Engaging in fraudulent, deceptive, and/or unfair conduct including, but not

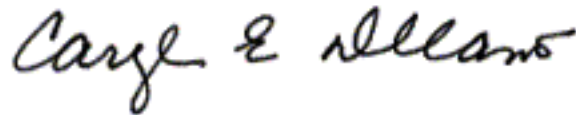
limited to, falsely representing herself to be able to quickly and cost effectively prepare acceptable bankruptcy documents for filing with a court in the Middle District of Florida;

c. Acting or engaging by any means, including but not limited to over the internet, via e-mail, computer software, or any other electronic transmission, in any conduct in violation of Section 110, title 11, United States Code, in the Middle District of Florida;

d. Acting or engaging by any means, including but not limited to over the internet, via e-mail, computer software, or any other electronic transmission, in any conduct in violation of the Bankruptcy Code and Rules or the Local Rules of the Bankruptcy Court in the Middle District of Florida.

8. That jurisdiction of this matter is hereby retained by this Court. In the event that Michelle Williams violates this judgment, injunction, and restraining order, she may be subject to sanctions and/or discipline as this Court deems proper. Failure to comply with the terms of this judgment, injunction, and restraining order may result in a finding that the individual(s) and/or entity(ies) are in civil contempt, which could result in the assessment of additional fines, penalties, sanctions, or further relief.

DONE and ORDERED in Chambers at Tampa, Florida, on ___ April 28, 2011

A handwritten signature in black ink, reading "Caryl E. Delano". The signature is written in a cursive, flowing style.

Caryl E. Delano
United States Bankruptcy Judge

Copies furnished to:

Debtor

Michelle Williams
3605 Woodhill Drive
Brandon, FL 33511

Michelle Williams
12608 Longcrest Drive
Riverview, FL 33579

Michelle N. Williams
P.O. Box 1295
Valrico, FL 33594